

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:
RAMON GAYOD and ROSALINA DETIZA
DAVID
153 PECKS LANE
SOUTH SAN FRANCISCO, CA 94080

###-##-7915 ###-##-0743
Debtor(s).

Case No.: 10-3-1048 SFM13
Chapter 13

THIRD AMENDED OBJECTION TO
CONFIRMATION, WITH A MOTION TO
DISMISS, OF THE CHAPTER 13 PLAN, BY
DAVID BURCHARD, CHAPTER 13 TRUSTEE
AND NOTICE

CONFIRMATION HEARING:

Date: 08/11/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
235 Pine Street 22nd Floor
San Francisco, California

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, hereby objects to Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. A review of Debtors' amended B22C question 59, "Monthly Disposable Income under 1325(b)(2)" indicates a total of \$681.41 available to pay general unsecured creditors. In addition, Debtor is required to pay unsecured priority 60 month average payments of \$63.15 per month and general secured 60 month average payments of \$468.96 per months. Debtors' amended plan provides for \$717.18 for 60 months. Debtors have not met the requirements of 11 U.S.C. Section 1325(b)(2) as not all of Debtors' disposable income is being pledged toward creditors. The Trustee requests clarification, or that Debtors' plan be amended to provide for payments of \$1,213.52 per month for 60 months.
2. Trustee is in receipt of a proof of claim from American Home Mortgage for secured arrearages in the amount of \$37,147.25. Should this claim be allowed, Debtors' amended plan would be insufficient to pay all secured, priority and administrative claims, and therefore, the Debtors' amended plan is not feasible. Trustee requests an amended plan, which pays these claims.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations, as required by the written Order Re: Payment Advices in Chapter 13 Cases, dated September 26, 2006.

Dated: August 2, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, TINA MITCHELL, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the Objection to Confirmation, with a Motion to Dismiss, of the Chapter 13 Plan, by David Burchard, Chapter 13 Trustee and Notice, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

RAMON GAYOD and ROSALINA DETIZA DAVID
153 PECKS LANE
SOUTH SAN FRANCISCO, CA 94080

JASON HONAKER
LAW OFFICES OF JASON HONAKER
459 FULTON ST #102
SAN FRANCISCO, CA 94102

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: August 2, 2010

TINA MITCHELL

TINA MITCHELL